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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,426	10/16/2003	Balachandar S. Gettala	139099 US	7970

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PLANO, TX 75075

EXAMINER

HARPER, KEVIN C

ART UNIT	PAPER NUMBER
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2616

MAIL DATE	DELIVERY MODE
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06/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary**Application No.**

10/687,426

Applicant(s)

GETTALA ET AL.

Examiner

Kevin Harper

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 8-9, 11-15 and 17-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Schulter et al. (US 2002/0156612).

1. Regarding claim 1, Schulter discloses a system for sending information in a network using redundant switching architecture (fig. 3). The system comprises a first control element (item 305) for executing a protocol stack having an internetwork layer (item 320; paras. 44 and 53) for sending a frame (item 320), a first device driver (item 320a) associated with the first control element and to communicate with a second control element (item 330) via a first switching plane (item 115a), and a second device driver (item 320b) associated with the first control element and to communicate with the second control element via a second switching plane (item 115b), a virtual device driver (item 315) associated with the first control element and the device drivers and for mapping communications from the internetwork layer to the device drivers (para. 71). Further regarding claim 10, the system receives information (fig. 3b).

2. Regarding claims 2-6, 8-9, 11-15 and 17-18, the system comprises a host-to-host transport layer (item 305), which as standardized includes TCP, and UDP layers. The system also comprises an application layer (fig. 3, “higher layer applications”), communications using Ethernet (paras. 45-46), and a Linux operating system (para. 44).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 7, 16, 19-21 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schulter et al. (US 2002/0156612) in view of Rogers et al. (US 2003/0048782).

3. Regarding claims 7 and 16, Schulter discloses the system as noted in the rejection of claim 1 above. However, Schulter does not disclose sequence numbers. Rogers discloses sequence numbers (paras. 68 and 81-82). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have sequence numbers for the packets of Schulter in order to provide quick failover in a redundant network (Schulter, para. 131; Rogers, paras. 86 and 94; paras. 42-44).

4. Regarding claims 19, 21, 23 and 25, Schuler discloses the system as described in the rejection of claim 1 above. The system provides for generating frames with headers (paras. 44-46; note: addressing). Although Schuler discloses using two network interfaces (para. 131), Schuler does not disclose transmitting redundant packets. Further regarding claim 23, Schuler discloses a system having a means (fig. 3) to implement the method.

5. Rogers discloses transmitting redundant packets (paras. 68 and 81-82) and retaining only one of the redundant packets (paras. 86 and 98) based on the sequence numbers. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to transmit redundant packets of Schuler in order to provide quick failover in a redundant network (Rogers, paras. 86 and 94).

6. Regarding claims 20 and 24, the packet is decapsulated (fig. 3b; note: protocol stack for passing data through protocol layers).

Claims 22 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuler in view of Rogers as applied to claim 19 above, and further in view of Trachewsky et al. (US 2001/0055311).

7. Regarding claims 22 and 26, Schuler in view of Rogers does not disclose discarding a frame based on a checksum. Trachewsky discloses discarding a frame based on a checksum (para. 227; note: CRC). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to discard an packet based on a checksum in the invention of Schuler in view of Rogers in order to discard an errored or invalid packet (Trachewsky, para. 227).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild, can be reached at 571-272-2092. The centralized fax number for the Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is kevin.harper@uspto.gov.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see portal.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin C. Harper

June 24, 2007